

**House File 2239 - Introduced**

HOUSE FILE 2239

BY WINDSCHITL

**A BILL FOR**

1 An Act relating to abortions, providing civil and criminal  
2 penalties, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

WOMAN'S RIGHT TO KNOW ACT

Section 1. NEW SECTION. 146A.1 Title.

This chapter shall be known and may be cited as the "*Woman's Right to Know Act*".

Sec. 2. NEW SECTION. 146A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Abortion*" means abortion as defined in section 146.1.

2. "*Attempt to perform an unlawful abortion*" means an act, or an omission of an act required by law, that constitutes a substantial step in a course of conduct intended to culminate in the performance of an abortion in violation of this chapter.

3. "*Department*" means the department of public health.

4. "*Fetus*" means a human pregnancy in the postembryonic state.

5. "*Medical emergency*" means any condition which, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate performance of an abortion to avert the pregnant woman's death, or to necessitate the immediate performance of an abortion to avert a serious risk of substantial and irreversible impairment of a major bodily function if the performance of the abortion is delayed.

6. "*Physician*" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to chapter 148.

Sec. 3. NEW SECTION. 146A.3 Voluntary and informed consent.

1. An abortion shall not be performed in this state without the voluntary and informed consent of the woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the requirements of this section are met.

2. The referring physician, the physician who will perform the abortion, or an agent of either physician shall provide

1 all of the following information to the woman by telephone,  
2 by audiotape, or in person, at the time the woman initially  
3 contacts the physician's private office or a facility  
4 that provides abortions to inquire about or to schedule an  
5 appointment for an abortion:

6     *a.* Information that medical assistance benefits may be  
7 available to the woman for prenatal care, childbirth, and  
8 neonatal care.

9     *b.* Information that the putative father is liable to assist  
10 in the support of the child and that efforts to collect support  
11 may result in, but are not guaranteed to result in, financial  
12 support of the child, even if the putative father has offered  
13 to pay for the abortion.

14     *c.* Information that the woman has the right to review the  
15 printed materials described in subsection 3.

16     *d.* Information that the woman has the right to be given  
17 the opportunity to undergo an ultrasound imaging of the fetus  
18 prior to the performance of an abortion, to view the ultrasound  
19 image, and to hear a description of the ultrasound image and  
20 hear the heartbeat of the fetus at least twenty-four hours  
21 before the abortion is performed.

22     3. *a.* After being informed of the woman's right to review  
23 printed materials pursuant to subsection 2, if the woman wishes  
24 to review the materials, all of the following shall apply:

25         (1) If the department establishes an internet site, the  
26 woman shall be informed that the materials are available  
27 through a state-sponsored internet site and shall be informed  
28 of the internet site address.

29         (2) If the woman initially contacts the physician's private  
30 office or a facility that provides abortions in person, the  
31 materials shall be provided to the woman at that time.

32         (3) If the woman initially contacts the physician's private  
33 office or a facility that provides abortions by telephone and  
34 wishes to review the materials, the materials shall be mailed  
35 to the woman by regular mail or by restricted certified mail,

1 as defined in section 618.15, as requested by the woman.

2 (4) The woman shall be informed that the materials have been  
3 provided by the state and that they describe the fetus and list  
4 agencies that offer alternatives to abortion.

5 b. The printed materials shall include all of the following:

6 (1) Geographically indexed materials designed to inform  
7 the woman of public and private agencies and services  
8 available to assist a woman through pregnancy, at the time  
9 of childbirth, and while the child is dependent, including  
10 adoption agencies. The materials shall include a comprehensive  
11 list of the agencies available, categorized by the type of  
12 services offered, and a description of the manner, including  
13 telephone numbers, by which the agencies may be contacted. The  
14 department may also provide a toll-free, twenty-four-hour-a-day  
15 telephone number which may be called to obtain, orally, a list  
16 and description of agencies in the locality of the caller and  
17 of the services offered.

18 (2) Materials that encourage consideration of placement for  
19 adoption. The materials shall inform the woman of the benefits  
20 of adoption, including the requirements of confidentiality in  
21 the adoption process, the importance of adoption to individuals  
22 and society, and the state's interest in promoting adoption by  
23 preferring childbirth over abortion.

24 (3) Materials designed to inform the woman of the probable  
25 anatomical and physiological characteristics of the fetus  
26 at two-week gestational increments from the time that it is  
27 medically possible to make a determination of pregnancy to full  
28 term. The materials shall include any relevant information  
29 regarding the possibility of the survival of the fetus and  
30 pictures or drawings representing the development of the fetus  
31 at two-week gestational increments, provided that any pictures  
32 or drawings shall contain the dimensions of the fetus and  
33 shall be realistic and appropriate for the state of pregnancy  
34 depicted. The materials shall be objective, nonjudgmental, and  
35 designed to convey only accurate scientific information about

1 the fetus at various gestational stages. The materials shall  
2 also contain objective information describing the methods of  
3 abortion procedures commonly used, the medical risks commonly  
4 associated with each such procedure, the possible detrimental  
5 psychological effects of abortion, and the medical risks  
6 commonly associated with carrying a fetus to term.

7 4. A physician shall not perform an abortion on a woman  
8 unless both of the following conditions are met:

9 a. The physician obtains written certification that the  
10 information required pursuant to subsection 2 was provided  
11 to the woman. The physician shall retain a copy of the  
12 certification and shall provide a copy of the certification to  
13 the woman.

14 b. The physician certifies that the woman has been offered  
15 the opportunity to undergo an ultrasound of the fetus, to view  
16 the ultrasound, to hear a description of the image, and to  
17 hear the heartbeat of the fetus at least twenty-four hours  
18 before an abortion is performed. In order to comply with  
19 this requirement, the ultrasound image must be of a quality  
20 consistent with standard medical practice in the community,  
21 must contain the dimensions of the fetus, and must accurately  
22 portray the presence of external members and internal organs,  
23 including the heartbeat, if present or viewable, of the fetus.  
24 The auscultation of the fetal heart tone also must be of a  
25 quality consistent with standard medical practice in the  
26 community. The physician shall document that the woman has  
27 been offered the opportunity to undergo the ultrasound and the  
28 woman's response to the offers, including the date and time of  
29 the offers and the woman's signature attesting to the woman's  
30 informed decision.

31 5. a. By October 1, 2012, the department shall cause  
32 the information described in subsection 3 to be published in  
33 printed format. The information shall be provided in an easily  
34 comprehensible manner. The information shall be published in  
35 a typeface large enough to be clearly legible. The printed

1 information shall be available from the department at no cost,  
2 upon request, and in an appropriate number, to any person.

3     *b.* The department may establish and maintain an internet  
4 site to provide the information described in subsection 3. The  
5 internet site shall provide for confidentiality of individuals  
6 who access the site and no information identifying the  
7 individual shall be collected or maintained. The department  
8 shall monitor the internet site to ensure that the site is  
9 secure and to prevent and correct any tampering with the site.

10     Sec. 4. NEW SECTION. **146A.4 Procedure in case of medical**  
11 **emergency.**

12     If a medical emergency necessitates the performance of  
13 an abortion, the physician shall inform the woman, prior to  
14 the performance of the abortion, if possible, of the medical  
15 indications supporting the physician's judgment that the  
16 immediate performance of an abortion is necessary to avert the  
17 woman's death or that a delay in the performance of an abortion  
18 will create a serious risk of substantial and irreversible  
19 impairment of a major bodily function.

20     Sec. 5. NEW SECTION. **146A.5 Criminal penalties.**

21     1. A person who knowingly or recklessly performs or attempts  
22 to perform an abortion in violation of this chapter is guilty  
23 of a class "C" felony.

24     2. A criminal penalty shall not be imposed under this  
25 chapter on a woman upon whom an abortion is performed or  
26 attempted to be performed. A criminal penalty shall not be  
27 imposed for failure of a woman to comply with the requirement  
28 of written certification pursuant to section 146A.3, if the  
29 department has not made the information available at the time  
30 the physician or the physician's agent is required to inform  
31 the woman of the woman's right to review the information.

32     Sec. 6. NEW SECTION. **146A.6 Protection of privacy in court**  
33 **proceedings — penalty.**

34     1. In every criminal proceeding brought pursuant to this  
35 chapter, the court proceedings shall be conducted in a manner

1 which protects the confidentiality of the woman, and all  
2 court documents pertaining to the proceedings shall remain  
3 confidential and shall be sealed. The court shall direct the  
4 exclusion of individuals from courtrooms or hearing rooms to  
5 the extent necessary to safeguard the woman's identity from  
6 public disclosure.

7 2. This section shall not be construed to conceal the  
8 identity of witnesses from the defendant.

9 3. A person who knowingly violates the confidentiality  
10 requirements of this section relating to court proceedings and  
11 documents is guilty of a simple misdemeanor.

12 Sec. 7. EFFECTIVE DATES.

13 1. The provisions of this division of this Act requiring the  
14 department of public health to publish information described  
15 in section 146A.3, subsection 3, as enacted in this Act, by  
16 October 1, 2012, being deemed of immediate importance, take  
17 effect upon enactment.

18 2. The remainder of this division of this Act takes effect  
19 October 1, 2012.

20 DIVISION II

21 APPLICATION OF AMBULATORY SURGICAL CENTER REGULATIONS TO  
22 FACILITIES THAT PROVIDE ABORTIONS

23 Sec. 8. Section 135.61, subsection 21, Code 2011, is amended  
24 to read as follows:

25 21. "*Outpatient surgical facility*" means a any of the  
26 following:

27 a. A facility which as its primary function provides,  
28 through an organized medical staff and on an outpatient basis  
29 to patients who are generally ambulatory, surgical procedures  
30 not ordinarily performed in a private physician's office, but  
31 not requiring twenty-four hour hospitalization, and which is  
32 neither not a part of a hospital nor and is not owned wholly or  
33 in part by a hospital. "*Outpatient surgical facility*" also does  
34 not include the private office of a health care provider who  
35 there engages in the lawful practice of surgery. ~~"Outpatient~~

1 ~~*surgical facility*~~ includes a

2 b. A facility certified or seeking certification as an  
3 ambulatory surgical center, under the federal Medicare program  
4 or under the medical assistance program established pursuant to  
5 chapter 249A.

6 c. A facility that provides for the performing or inducing  
7 of any abortions.

8 Sec. 9. NEW SECTION. 135P.1 **Definitions.**

9 As used in this chapter, unless the context otherwise  
10 requires:

11 1. "*Ambulatory surgical center*" means an outpatient surgical  
12 facility as defined in section 135.61 or an ambulatory surgical  
13 facility as defined in section 514.5.

14 2. "*Department*" means the department of inspections and  
15 appeals.

16 Sec. 10. NEW SECTION. 135P.2 **Licenses — fees — criteria.**

17 1. A person shall not operate an ambulatory surgical center  
18 in this state without first obtaining a license from the  
19 department after meeting the requirements of this chapter. The  
20 application shall be on a form prescribed by the department and  
21 shall require information the department deems necessary. Each  
22 application for license shall be accompanied by a nonrefundable  
23 biennial license fee determined by the department.

24 2. The ambulatory surgical center shall meet the  
25 requirements of 42 C.F.R. pt. 416 before a license is issued.  
26 The department shall provide the necessary personnel to inspect  
27 the ambulatory surgical center to determine if the ambulatory  
28 surgical center complies with necessary requirements before  
29 a license is issued. An ambulatory surgical center that is  
30 certified under the federal Medicare program and thereby meets  
31 the requirements of 42 C.F.R. pt. 416 shall be licensed without  
32 inspection by the department.

33 Sec. 11. NEW SECTION. 135P.3 **Denial, suspension, or**  
34 **revocation of license.**

35 The department may deny, suspend, or revoke a license if



1 the department determines an ambulatory surgical center fails  
2 to comply with this chapter or the rules adopted pursuant  
3 to this chapter. A denial, suspension, or revocation may  
4 be appealed under chapter 17A. The department may reissue  
5 a license following a suspension or revocation after the  
6 ambulatory surgical center corrects the conditions upon which  
7 the suspension or revocation was based.

8       Sec. 12. NEW SECTION. 135P.4 **Limitation, expiration, and**  
9 **renewal of license.**

10       A license for an ambulatory surgical center shall be issued  
11 only for the premises, person, or facility named in the  
12 application and is not transferable or assignable. A license,  
13 unless sooner suspended or revoked, shall expire two years  
14 after the date of issuance and shall be renewed biennially  
15 upon an application by the licensee. Application for renewal  
16 shall be made in writing to the department at least thirty days  
17 prior to the expiration of the license. The fee for a license  
18 renewal shall be determined by the department.

19       Sec. 13. NEW SECTION. 135P.5 **Rules.**

20       Except as otherwise provided in this chapter, the department  
21 shall adopt rules pursuant to chapter 17A necessary to  
22 administer this chapter, subject to approval of the state board  
23 of health. Formulation of the rules shall include consultation  
24 with persons affected by this chapter.

25       Sec. 14. Section 514.5, Code 2011, is amended to read as  
26 follows:

27       **514.5 Contracts for service.**

28       1. A hospital service corporation organized under  
29 chapter 504, Code 1989, or current chapter 504 may enter  
30 into contracts for the rendering of hospital service to any  
31 of its subscribers with hospitals maintained and operated by  
32 the state or any of its political subdivisions, or by any  
33 corporation, association, or individual. Such hospital service  
34 corporation may also contract with an ambulatory surgical  
35 facility to provide surgical services to the corporation's

1 subscribers. Hospital service is meant to include bed and  
2 board, general nursing care, use of the operating room, use of  
3 the delivery room, ordinary medications and dressings and other  
4 customary routine care. *"Ambulatory surgical facility"* means  
5 a facility constructed and operated for the specific purpose  
6 of providing surgery to patients admitted to and discharged  
7 from the facility within the same day or an "outpatient surgical  
8 facility" as defined in section 135.61.

9 2. A medical service corporation organized under this  
10 chapter may enter into contracts with subscribers to furnish  
11 health care service through physicians and surgeons, dentists,  
12 podiatric physicians, osteopathic physicians, osteopathic  
13 physicians and surgeons, or chiropractors.

14 3. Any pharmaceutical or optometric service corporation  
15 organized under ~~the provisions of said~~ this chapter may  
16 enter into contracts for the rendering of pharmaceutical or  
17 optometric service to any of its subscribers. Membership in  
18 any pharmaceutical service corporation shall be open to all  
19 pharmacies licensed under chapter 155A.

20 4. A hospital service corporation or medical service  
21 corporation organized under this chapter may enter into  
22 contracts with subscribers and providers to furnish health care  
23 services not otherwise allocated by this section.

24 DIVISION III

25 MEDICAL ABORTIONS

26 Sec. 15. NEW SECTION. 146B.1 **Medical abortions —**  
27 **restrictions — in-person administration — penalties.**

28 1. For the purpose of this section:

29 *a.* *"Medical abortion"* means the use of a medication  
30 including but not limited to mifepristone or ulipristal acetate  
31 to terminate a pregnancy.

32 *b.* *"Physician"* means a person licensed to practice medicine  
33 and surgery or osteopathic medicine and surgery pursuant to  
34 chapter 148.

35 2. *a.* Only a physician shall prescribe, dispense, or

1 administer any medication for the purpose of inducing a medical  
2 abortion.

3 *b.* Any physician prescribing, dispensing, or administering  
4 a medication for the purpose of inducing a medical abortion  
5 shall also comply with all federal regulations relating to the  
6 prescribing, dispensing, and administering of such medication.

7 *c.* A physician shall only administer a medication for  
8 the purpose of inducing a medical abortion in person and in  
9 a clinic or hospital with the capacity to provide surgical  
10 intervention in cases resulting in an incomplete abortion or  
11 severe bleeding.

12 3. A physician who knowingly performs a medical abortion in  
13 violation of this section is guilty of a serious misdemeanor  
14 and is subject to revocation of licensure pursuant to chapter  
15 148.

16 DIVISION IV

17 PREVENTION OF COERCED ABORTIONS

18 Sec. 16. NEW SECTION. 146C.1 Prevention of coerced abortion  
19 — signage.

20 1. *a.* Any facility in which abortions are performed shall  
21 conspicuously post a sign in each patient admission area,  
22 waiting room, and patient consultation room used by patients on  
23 whom abortions are performed which state:

24 It is against the law for anyone, regardless of the  
25 individual's relationship to you, to force you to have an  
26 abortion. You have the right to contact any local or state law  
27 enforcement or social services agency to receive protection  
28 from any actual or threatened physical, emotional, or  
29 psychological abuse. It is against the law to perform, induce,  
30 prescribe for, or provide you with the means for an abortion  
31 without your voluntary consent.

32 *b.* In addition to the posting of the signs required under  
33 this subsection, a pregnant woman shall be informed orally in  
34 a private room in the facility of the prohibition against a  
35 coerced abortion by a physician or an agent of the physician

1 who performs abortions at the facility.

2 2. The department of public health shall make the signs  
3 required under this section available for download in a  
4 printable format on its internet site.

5 Sec. 17. NEW SECTION. 707.8B **Coerced abortion — prohibited**  
6 **— penalty.**

7 1. For the purposes of this section, "coerces" means any act  
8 or attempted act including a threat of physical harm intended  
9 to compel a pregnant woman to have an abortion performed in  
10 otherwise lawful circumstances but performed against the  
11 pregnant woman's will.

12 2. A person who coerces a pregnant woman to have an abortion  
13 is guilty of a class "C" felony.

14 DIVISION V

15 ABORTION PROVISIONS RELATING TO MINORS

16 Sec. 18. NEW SECTION. 135L.6A **Causing, aiding, or assisting**  
17 **a minor in obtaining abortion — noncompliance with requirements**  
18 **— civil liability.**

19 1. A person shall not intentionally cause a minor to obtain  
20 or aid or assist a minor in obtaining an abortion without  
21 complying with this chapter.

22 2. A person who violates subsection 1 shall be civilly  
23 liable to the minor and to the person to whom notification is  
24 required to be given under this chapter. Appropriate relief  
25 under this subsection may include compensatory damages for all  
26 injuries, psychological and physical, resulting from violation  
27 of subsection 1.

28 3. It shall not be a defense to a claim brought under this  
29 section that the abortion was performed pursuant to consent to  
30 the abortion provided in a manner that is otherwise lawful in  
31 the state or jurisdiction where the abortion was performed if  
32 not otherwise in compliance with this chapter.

33 Sec. 19. NEW SECTION. 146D.1 **Definition.**

34 For the purpose of this chapter, unless the context  
35 otherwise requires, "minor" means a person under eighteen years

1 of age who has not been and is not married.

2     Sec. 20. NEW SECTION. 146D.2 **Persons providing abortions**  
3 **for minors — required reporting of sexual abuse — penalty.**

4     1. An individual who is a physician or an agent of a  
5 physician and who performs abortions on minors shall report  
6 any suspected sexual abuse, as defined in section 709.1, of  
7 a minor no later than forty-eight hours after the suspected  
8 sexual abuse has been brought to the individual's attention.  
9 The individual shall not delegate the responsibility to report  
10 suspected sexual abuse to any other person but shall make the  
11 report personally. The individual shall make the report to the  
12 local law enforcement agency, the department of public safety,  
13 or the department of human services.

14     2. The individual making the report shall identify the name  
15 and address of the minor as well as the name and address of the  
16 parent or legal guardian of the minor. The individual making  
17 the report shall provide any information the individual may  
18 possess relating to the suspected sexual abuse as specified by  
19 the agency or department receiving the report.

20     3. A physician or an agent of a physician who performs  
21 abortions on minors who has reason to believe that a minor's  
22 physical or mental health or welfare has been adversely  
23 affected due to suspected sexual abuse and who knowingly does  
24 not report such suspected sexual abuse as required under this  
25 section, is guilty of a serious misdemeanor.

26     Sec. 21. NEW SECTION. 146D.3 **Maintenance of forensic**  
27 **samples from abortions performed on certain minors — penalties.**

28     1. A physician who performs an abortion on a minor shall  
29 preserve fetal tissue extracted during the abortion in  
30 accordance with rules adopted by the department of public  
31 health in cooperation with the department of public safety  
32 pursuant to this section. The physician shall submit the  
33 tissue to the department of public safety.

34     2. The department of public health in cooperation with  
35 the department of public safety shall adopt rules pursuant to



1 performance of an abortion. Division I requires the department  
2 of public health to publish information by October 1, 2012,  
3 relating to options for managing a pregnancy. Division I  
4 authorizes the department to establish and maintain an internet  
5 site to provide the information.

6 Division I also provides for alternatives to providing  
7 informed consent in the case of a medical emergency.

8 Division I establishes a criminal penalty of a class "C"  
9 felony for a person who knowingly or recklessly performs or  
10 attempts to perform an abortion in violation of the new Code  
11 chapter. A class "C" felony is punishable by confinement  
12 for no more than 10 years and a fine of at least \$1,000 but  
13 not more than \$10,000. Division I prohibits the imposition  
14 of a criminal penalty against a woman upon whom an abortion  
15 is performed or attempted to be performed, and prohibits the  
16 imposition of a criminal penalty against a woman for failure to  
17 comply with certification requirements if the department has  
18 not made the printed materials available as required. Division  
19 I also provides for protection of confidentiality of a woman  
20 with regard to criminal court proceedings relating to an action  
21 under the new Code chapter.

22 The provisions of division I relating to the department of  
23 public health publishing information as prescribed in the bill  
24 take effect upon enactment. The remainder of division I takes  
25 effect October 1, 2012.

26 Division II of the bill defines an outpatient surgical  
27 facility or ambulatory surgical center to include any  
28 facility that provides for performing or inducing abortions,  
29 thereby making these establishments subject to certificate of  
30 need requirements and other regulatory provisions to which  
31 outpatient surgical facilities or ambulatory surgical centers  
32 are subject. Division II also amends the definition of an  
33 outpatient surgical facility to exclude facilities that are  
34 owned wholly or in part by a hospital.

35 Division II also requires that ambulatory surgical centers

1 be licensed and meet the requirements of the centers for  
2 Medicare and Medicaid services of the United States department  
3 of health and human services for ambulatory surgical services.

4 Division III of the bill relates to restrictions for medical  
5 abortions. The bill defines "medical abortion" as the use  
6 of a medication including but not limited to mifepristone or  
7 ulipristal acetate to terminate a pregnancy. Division III  
8 provides that only a physician shall prescribe, dispense,  
9 or administer any medication for the purpose of inducing a  
10 medical abortion. Additionally, division III requires that  
11 any physician prescribing, dispensing, or administering a  
12 medication for the purpose of inducing a medical abortion  
13 shall comply with all federal regulations relating to such  
14 medication; and a physician shall only administer a medication  
15 for the purpose of inducing a medical abortion in person and  
16 in a clinic or hospital with the capacity to provide surgical  
17 intervention in cases resulting in an incomplete abortion or  
18 severe bleeding.

19 A physician who knowingly performs a medical abortion in  
20 violation of division III of the bill is guilty of a serious  
21 misdemeanor and is subject to revocation of licensure pursuant  
22 to Code chapter 148. A serious misdemeanor is punishable by  
23 confinement for no more than one year or a fine of at least \$315  
24 but not more than \$1,875, or by both.

25 Division IV of the bill relates to prevention of coerced  
26 abortions. The division requires any facility in which  
27 abortions are performed to conspicuously post a sign in each  
28 patient admission area, waiting room, and patient consultation  
29 room used by patients on whom abortions are performed which  
30 state specific language regarding the prohibition against  
31 forcing a pregnant woman to have an abortion. In addition to  
32 the posting of the signs, division IV requires that a pregnant  
33 woman be informed orally in a private room in the facility of  
34 the prohibition against a coerced abortion by a physician or an  
35 agent of the physician who performs abortions at the facility.



1 The division directs the department of public health to make  
2 the signs required available for download in a printable format  
3 on its internet site.

4 Division IV of the bill also provides that a person who  
5 coerces a pregnant woman to have an abortion is guilty of a  
6 class "C" felony. Division IV defines "coerces" as any act  
7 or attempted act including a threat of physical harm intended  
8 to compel a pregnant woman to have an abortion performed in  
9 otherwise lawful circumstances but performed against the  
10 pregnant woman's will.

11 Division V of the bill includes abortion provisions relating  
12 to minors. Division V provides a new provision under Code  
13 chapter 135L, (notification requirements regarding pregnant  
14 minors) to prohibit a person from intentionally causing a  
15 minor to obtain or aiding or assisting a minor in obtaining an  
16 abortion without complying with the Code chapter. A person  
17 who violates the prohibition is civilly liable to the minor  
18 and to the person to whom notification is required to be given  
19 under the Code chapter. The division provides that appropriate  
20 relief may include compensatory damages for all injuries,  
21 psychological and physical, resulting from the violation.  
22 Additionally, the division provides that it is not a defense to  
23 a claim that the abortion was performed pursuant to consent to  
24 the abortion provided in a manner that is otherwise lawful in  
25 the state or jurisdiction where the abortion was performed if  
26 not otherwise in compliance with the Code chapter.

27 Division V also includes provisions requiring that a  
28 physician or an agent of a physician who performs abortions on  
29 minors shall report any suspected sexual abuse of a minor no  
30 later than 48 hours after the abuse has been brought to the  
31 individual's attention. The division prohibits the individual  
32 from delegating the responsibility to report sexual abuse to  
33 any other person and requires the individual to make the report  
34 personally. The individual is required to make the report to  
35 the local law enforcement agency, the department of public

1 safety, or the department of human services. The division  
2 prescribes the information to be included in the report. The  
3 division provides that a physician or an agent of a physician  
4 who performs abortions on minors who has reason to believe  
5 that a minor's physical or mental health or welfare has been  
6 adversely affected due to sexual abuse and who knowingly does  
7 not report such sexual abuse as required, is guilty of a  
8 serious misdemeanor. A serious misdemeanor is punishable by  
9 confinement for no more than one year and a fine of at least  
10 \$315 but not more than \$1,875.

11 Division V also requires that a physician, who performs an  
12 abortion on minors, preserve fetal tissue extracted during the  
13 abortion in accordance with rules adopted by the department  
14 of public health in cooperation with the department of public  
15 safety pursuant to this Code section. The division requires  
16 the physician to submit the tissue to the department of  
17 public safety. The bill specifies the rules to be adopted  
18 and provides that failure of a physician to comply with the  
19 requirements relating to preserving of fetal tissue constitutes  
20 a basis for license discipline and is a serious misdemeanor. A  
21 serious misdemeanor is punishable by confinement for no more  
22 than one year and a fine of at least \$315 but not more than  
23 \$1,875.